

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALAN J WATSON, ET AL.,

Plaintiffs,

No. C 10-01394 JSW

v.

SOLDADO CORPORATION, ET AL.,

Defendants.

**ORDER RENEWING BRIEFING
SCHEDULE ON MOTION TO SET
ASIDE DEFAULT**

On December 3, 2010, Plaintiffs filed a request for entry of default against Defendants Brian J. Engel (“Engel”), BJE, Inc., and JC Funding Solutions, Inc. On December 6, 2010, default was entered against those Defendants.

On December 13, 2010, Defendant Engel filed an Answer to Complaint. On January 31, 2011, Engel filed a motion to set aside default on the following grounds: “excusable neglect caused the delay in [filing] an answer to plaintiff’s complaint; defendant has a good and meritorious defense to the claim for relief alleged; defendant filed a timely answer to the plaintiff’s complaint but in a form that may not have been acceptable to the Court; defendant subsequently filed an answer to plaintiff’s complaint in a form that should have been acceptable to the Court.” (Doc. no. 53.)

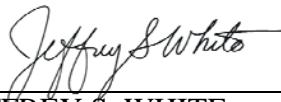
Federal Rule of Civil Procedure 55(c) provides that “[t]he court may set aside an entry of default for good cause.” By Order entered February 22, 2011, the Court ordered Defendant Engel to file an affidavit setting forth the factual basis for the “excusable neglect” causing the delay in responding to the complaint or other grounds for setting aside the default, to

1 demonstrate whether good cause exists to set aside the default. The Court ordered Defendant
2 Engel to file the supporting affidavit by no later than March 15, 2011.

3 Upon review of the docket, the Court determines that Defendant Engel was not served a
4 copy of the February 22, 2011 Order. The Court therefore renews briefing on the motion to set
5 aside entry of default. Defendant Engel must file an affidavit to demonstrate good cause
6 pursuant to Rule 55(c) by June 17, 2011. Plaintiffs may file a response within one week of the
7 filing of Engel's affidavit, but no later than June 24, 2011, on which date the Court will take the
8 matter under submission.

9 **IT IS SO ORDERED.**

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11 Dated: May 20, 2011



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JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ALAN J WATSON et al,

Case Number: CV10-01394 JSW

Plaintiff,

CERTIFICATE OF SERVICE

v.

SOLDADO CORPORATION et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

13 That on May 20, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
delivery receptacle located in the Clerk's office.

BJE Inc
4410 W Lake harriet partkway, #200
Minneapolis, MN 55410

17 JC Funding Solutions Inc
18 Prado Verde 1347
Los Mochis Sinaloa,

19 Brian J. Engel
20 4410 W Lake Harriet Parkway #200
Minneapolis, MN 55410

22 Jose Israel Castillo Robles
Prado Verde 1347
23 Los Mocis Sinaloa

24 | Dated: May 20, 2011

Jennifer Ottolini

Richard W. Wiekling, Clerk
By: Jennifer Ottolini, Deputy Clerk